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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,685	07/14/2003	Mark J. Stefik	111325-272	4132

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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,685	Applicant(s) STEFIK ET AL.	
	Examiner Kambiz Abdi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14 July 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims ⁷⁰⁻¹¹⁹~~1-36~~ have been examined.

Claim Objections

2. Claims 80, 90, 118 and 119 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 80 depends on a canceled claim 1, examiner will consider claim 80 to be dependent on claim 70.
3. As for claim 118 is a system claim dependent on a method claim.
4. As for claim 90, it refers to an item of manufacturing the "media" for recording the instructions on. It is in an improper form.
5. Claim 119 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 119 is identical to claim 116 and they are dependent on the same independent claim. Examiner has been unable to reason for the existence of claim 119. Clarification is requested.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 70-119 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 9-11, 12-18, and 19-31 of U.S. Patent No. 5,629,980 to Mark J. Stefik et al.

7. As for claim 1 of U.S. Patent No. 5,629,980 recites:

- A system for secure distribution and control of digital works between repositories comprising:
- means for creating usage rights, each instance of a usage right representing a specific instance of how a digital work may be used or distributed;
- means for attaching a created set of usage rights to a digital work;
- a communication medium for coupling repositories to enable exchange of repository transaction messages;
- a plurality of general repositories for storing and securely exchanging digital works with attached usage rights, each of said general repositories comprising:
- a storage means for storing digital works and their attached usage rights;
- an identification certificate for indicating that the associated general repository is secure;
- an external interface for removably coupling to said communications medium;
- a session initiation transaction processing means for establishing a secure and trusted session with another repository, said session initiation transaction processing means using said identification certificate;
- a usage transaction processing means having a requester mode of operation for generating usage repository transaction messages to request access to digital works stored in another

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general repository, said usage repository transaction message specifying a usage right, said usage transaction processing means further having a server mode of operation for determining if a request for access to a digital work stored in said storage means may be granted, said request being granted only if the usage right specified in said request is attached to said digital work; and

- an input means coupled to said usage transaction processing means for enabling user created signals to cause generation of a usage repository transaction message to request access to digital works.

8. Claim 1, 9, 12, and 19 of U.S. Patent No. 5,629,980 differs since they recite additional limitations as stated in the claims, but it clearly includes the current applications claimed limitations of claim 70-119 as well. These limitations include the requesting steps, determination step, and granting step and associated processing system and usage rights specifications. However, it would have been obvious to a person of ordinary skill in the art to modify any of the claims 1, 9, 12, or 19 of U.S. Patent No. 5,629,980 by removing certain limitations directed to the elements that make up a system resulting in a claim such as claims 1 and 91 of current application, since both claims actually perform the same function. It is well established that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA 1963).

9. As for claims 71-89 and 92-119, the same rational as above exists. Even though the language of the claims are different the essence of invention claimed in the claims are the same and they deemed to be the same as claims 1-31.

10. It should be noted that the same double patenting obviousness argument as above is made based on the same rational as stated above for U.S. Patent No. 6,708,157, titled "SYSTEM FOR CONTROLLING THE DISTRIBUTION AND USE OF DIGITAL WORKS USING DIGITAL TICKETS".

11. Claims 70-119 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,708,157 to Mark J. Stefik et al.

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12. As for claim 1 of U.S. Patent No. 6,708,157 recites:

A system for controlling the distribution and use of digital works comprising:

- means for associating one or more usage rights with a digital work,
- said one or more usage rights specifying a manner of use indicating a particular manner of how said digital work may be used and at least one condition that must be satisfied in order to exercise the manner of use,
- at least one of said usage rights specifying a digital ticket, the possession of said digital ticket being a condition for that usage right;
- a plurality of repositories for storing and exchanging digital works, each of said plurality of repositories comprising:
 - storage means for storing digital works, their associated usage rights, and digital tickets;
 - transaction processing means having a requester mode of operation for requesting access to a digital work,
 - said request specifying a usage right, and
 - a server mode of operation for processing requests to access said requested digital work based on said usage right specified in said request, the usage rights associated with said digital work, and digital tickets associated with said usage rights;
- a generic ticket agent for punching digital tickets to indicate that an associated usage right has been exercised in accordance with a manner of use specified by the usage right;
- a granting means for granting access to said digital work in accordance with the manner of use specified by said usage right if the requester possesses the digital ticket, wherein said granting means is not only a Boolean operator for filtering; and
- a coupling means for coupling to another of said plurality of repositories across a communications medium.

13. Claims 70 and 91 are substantially the same as the independent claims of the U.S. Patent No. 6,708,157, further they are broader than the patented claims of the U.S. Patent No. 6,708,157.

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14. But they clearly include the current applications claimed limitations of claim 70-119 as well. These limitations include the creating steps, determination step, and granting step and associated processing system and server repository. However, it would have been obvious to a person of ordinary skill in the art to modify any of the claims 1-23 of U.S. Patent No. 6,708,157 by removing or combining certain limitations directed to the elements that make up a system resulting in a claim such as claims 70 and 91 of current application, since both claims actually perform the same function. It is well established that the omission or combination of an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA 1963).

15. The MPEP Further Notes:

The court in Vogel recognized "that it is most difficult, if not meaningless, to try to say what is or is not an obvious variation of a claim," but that one can judge whether or not the invention claimed in an application is an obvious variation of an embodiment disclosed in the patent which provides support for the patent claim. According to court, one must first "determine how much of the patent disclosure pertains to the invention claimed in the patent" because only "[t]his portion of the specification supports the patent claims and may be considered." The court pointed out that "this use of the disclosure is not in contravention of the cases forbidding its use as prior art, nor is it applying the patent as a reference under 35 U.S.C. 103 since only the disclosure of the invention claimed in the patent may be examined."

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 70-76, 81,84, 87-89, 91-97, 99, 102, 105, 108-114, 116-119 are rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,260,999 to Robert M. Wyman.

18. As per claims 70 and 91, Wyman discloses a system and method for associating usage rights with digital content, said system comprising:

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- means for creating usage rights from a grammar, said usage rights specifying a manner of use indicating one or more stated purposes for which the digital content can be at least one of used and distributed by an authorized party (See Wyman figures 1-46 and associated text, column 6, lines 49-67, column 7, lines 3-28, column 10, lines 14-68, column 11, lines 1-30, column 12, lines 1-40, column 12, lines 1-60, and column 38, lines 41-55);
- means for associating the usage rights with the digital content (See Wyman figures 1-46 and associated text, column 6, lines 49-67, column 7, lines 3-28, column 11, lines 54-68, column 12, lines 1-4, column 16, lines 18-68, and column 17, lines 1-35);
- means for exchanging information with a first repository for storing the digital content and the associated usage rights and for processing a usage transaction specifying the usage rights to determine if access to the digital content can be granted (See Wyman abstract, figures 1-7 and associated text, column 6, lines 43-68, column 7, lines 1-68, column 8, lines 1-40, column 12, lines 1-59, column 13, lines 9-39, column 14, lines 1-61, column 16, lines 1-17, and column 17, lines 1-35).; and
- means for exchanging information with a second repository for generating the usage transaction specifying the usage rights for requesting access to the digital content (See Wyman abstract, figures 1-7 and associated text, column 6, lines 43-68, column 7, lines 1-68, column 8, lines 1-40, column 12, lines 1-59, column 13, lines 9-39, column 14, lines 1-61, column 16, lines 1-17, and column 17, lines 1-35);

19. As per claims 71 and 92, Wyman discloses all the limitations of claims 70 and 91, further; wherein the usage rights also specify one or more conditions which must be satisfied before the manner of use may be exercised (See Wyman figures 1-46 and associated text, column 13, lines 9-39, column 16, lines 1-17, and column 33, lines 4-34)..

20. As per claims 72 and 94, Wyman discloses all the limitations of claims 70 and 91, further; wherein said means for creating comprises means for selecting one or more symbols from a first set of predetermined symbols to define a valid sequence of symbols to indicate the manner of use (See Wyman

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abstract, figures 1-46 and associated text, column 13, lines 9-39, column 16, lines 1-17, column 33, lines 4-34, column 30, lines 30-68, and column 31, lines 38-63).

21. As per claims 73 and 95, Wyman discloses all the limitations of claims 71 and 92, further; wherein said means for creating comprises means for selecting symbols from a second set of predetermined symbols to define a valid sequence of symbols to indicate the conditions (See Wyman abstract, figures 1-46 and associated text, column 13, lines 9-39, column 16, lines 1-17, column 33, lines 4-34, column 30, lines 30-68, and column 31, lines 38-63).

22. As per claims 74 and 93, Wyman discloses all the limitations of claims 73 and 92, further; wherein said means for creating comprises means for designating a set of default conditions (See Wyman abstract, figures 1-46 and associated text, column 19, lines 28-60, column 39, lines 59-66, and column 40, lines 35-40).

23. As per claims 75 and 96, Wyman discloses all the limitations of claims 73 and 92, further; wherein said means for creating further comprises means for changing the default set of conditions (See Wyman figures 1-46 and associated text, column 19, lines 28-60, column 39, lines 59-66, and column 40, lines 35-40).

24. As per claims 76 and 97, Wyman discloses all the limitations of claims 70 and 91, further; wherein the manner of use specifies a manner by which an authorized user is able to render the digital content (See Wyman figures 1-46 and associated text, column 11, lines 3-16).

25. As per claims 78 and 99, Wyman discloses all the limitations of claims 70 and 91, further; wherein the manner of use specifies the manner by which an authorized party is able to make a back-up copy of the digital content (See Wyman figures 1-46 and associated text, column 40, lines 33-39).

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26. As per claims 81 and 102, Wyman discloses all the limitations of claims 70 and 91, further; wherein the digital content is a software program (See Wyman figures 1-46 and associated text, abstract).

27. As per claims 84 and 105, Wyman discloses all the limitations of claims 70 and 91, further; wherein the usage rights comprise a revenue identifier for identifying a revenue owner of the digital content (See Wyman figures 1-46 and associated text, column 10, lines 40-50, column 19, lines 1-16, column 19, lines 61-68, and column 20, lines 1-4).

28. As per claims 87 and 108, Wyman discloses all the limitations of claims 72 and 94, further; wherein said means for creating comprises means for selecting one or more codes from a set of predetermined codes to define a valid sequence of codes to indicate the manner of use (See Wyman figures 1-46 and associated text, column 12, lines 1-40, column 13, lines 9-18, column 15, lines 5-17, column 16, lines 9-35, and column 39, lines 67-68, column 38, lines 41-55).

29. As per claims 88 and 109, Wyman discloses all the limitations of claims 72 and 94, further; wherein said means for creating comprises means for selecting one or more identifiers from a set of predetermined identifiers to define a valid sequence of identifiers to indicate the manner of use (See Wyman figures 1-46 and associated text, column 12, lines 1-40, column 13, lines 9-18, column 15, lines 5-17, column 16, lines 9-35, and column 39, lines 67-68, column 38, lines 41-55).

30. As per claims 89 and 110, Wyman discloses all the limitations of claims 72 and 94, further; wherein said means for creating comprises means for selecting one or more parameters from a set of predetermined parameters to define a valid sequence of parameters to indicate the manner of use (See Wyman figures 1-46 and associated text, column 12, lines 1-40, column 13, lines 9-18, column 15, lines 5-17, column 16, lines 9-35, and column 39, lines 67-68, column 38, lines 41-55).

31. As per claims 111 and 113, Wyman discloses all the limitations of claims 70 and 91, further;

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wherein said first repository and said second repository are parts of a same repository (See Wyman figures 1-46 and associated text, column 6, lines 41-68, column 7, lines 1-3, column 10, lines 14-68, and column 11, lines 1-30).

32. As per claims 112 and 114, Wyman discloses all the limitations of claims 70 and 91, further; wherein said first repository and said second repository are parts of different repositories (See Wyman figures 1-46 and associated text, column 6, lines 41-68, column 7, lines 1-3, column 10, lines 14-68, and column 11, lines 1-30).

33. As per claims 116, 118, and 119, Wyman discloses all the limitations of claims 70 and 91, further; wherein said content and said usage rights are stored on the same device (See Wyman figures 1-46 and associated text, column 6, lines 41-68, column 7, lines 1-3, column 10, lines 14-68, and column 11, lines 1-30).

34. As per claims 117, Wyman discloses all the limitations of claims 70, further; wherein said content and said usage rights are stored on different devices (See Wyman figures 1-46 and associated text, column 6, lines 41-68, column 7, lines 1-3, column 10, lines 14-68, and column 11, lines 1-30).

35. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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Claim Rejections - 35 USC § 103

36. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

37. Claims 77, 80, 98, and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,260,999 Robert M. Wyman.

38. As per claims 115, Wyman discloses all the limitations of claim 70, further; Wyman discloses that the content comprising a content file (See Wyman figure 2, column 11, lines 54-68). But Wyman is not specific on that said usage rights comprising a description tree file. However, examiner takes Official Notice that having a descriptive tree file (B tree file in Macintosh OS, directory or root file in Windows OS) to be included along with other files is old and well known in computer filing systems. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to have such directory or tree file stored along with the content to make access to the file and its attributes faster and more consistent.

39. Claims 77, 80, 98, and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,260,999 Robert M. Wyman in view of U.S. Patent No. 5,138,712 to John R. Corbion.

40. As per claims 77 and 98, Wyman discloses all the limitations of claims 70 and 91, further; Wyman discloses the claimed invention, as discussed above, except for the step that an authorized party can use the digital work to create a new digital work. However, Corbin Clearly discloses a system for creating a new version of software. (See Corbin column 12, lines 6-54). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine

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Wyman 's teaching with that of Corbin teachings for creating new digital work (Such as a new version of software) as claimed because it could increase the processing capability of Wyman to adjust to specific requirements of the system.

41. As per claims 80 and 101, Wyman discloses all the limitations of claims 70 and 91, further; Wyman discloses the claimed invention, as discussed above, except for the step that an authorized party is able delete the corresponding digital work. However, Corbin clearly teaches the steps of deleting a digital work (See Corbin column 5, lines 18-28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine Wyman 's teaching with that of Corbin teachings for improve the ability to manage the number of licenses available.

42. Claims 79 and 100are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,260,999 Robert M. Wyman in view of U.S. Patent No. 5,255,106 to Peter D. Castro.

43. As per claims 79 and 100, Wyman discloses all the limitations of claims 70 and 91, further; Wyman does not discloses the manner by which an authorized party is able to conceal the corresponding digital work. However, Castro clearly discloses a system for concealing digital workd (See Castro column 3, lines 20-26). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine both teachings because the use of Castro's teaching could enhance the processing of Wyman for adapting to different requirements of the licensing software system.

44. Claims 82, 83, 103, 104, 85, and 106are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,260,999 Robert M. Wyman in view of U.S. Patent No. 5,646,992 to Ronald J. Subler.

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45. As for claims 82, 83, 103, 104, Wyman discloses all the limitations as recited in claims 81 and 102, further;

Wyman is not clear or explicit on the manner by which an authorized party is able to install and uninstall the software program. However, Subler clearly teaches the installation and unstalling of digital works (Software) on the users system (See Subler column 12, lines 29-38 and column 14, lines 56-66).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the teachings of Wyman and Subler to create a system that clearly discloses the ability to install and remove an item from a system. This would be advantageous on the manner that user will have control over where the digital work is installed and when it is removed.

46. As per claims 85 and 106, The system as recited in claim 70 and 91, further;

Wyman is not clear or explicit on a class identifier for identifying a class of rendering devices upon which the digital work can be rendered on (See Wyman figure1 and associated text, column 15, lines 5-17 and column 17, lines 49-68). However, Subler teaches that when a user wants to order a digital item from a plurality of items the system will check the compatibility of the item with the end user system to assure that they match (See Subler column 4, lines 65-68 and column 5, lines 1-4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two teachings to have a distribution control to prevent the incompatible digital work to be forwarded to the end users system.

47. Claims 86 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,260,999 Robert M. Wyman in view of U.S. Patent No. 5,023,970 to Herrick J. Johnson.

48. As per claims 86 and 107, Wyman discloses all the limitations of claims 71 and 9, further; Even though Wyman discloses means for creating a first version of usage rights having a first set of conditions and means for creating a second version of usage rights having a second set of conditions

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(See Wyman figures 1-46 and associated text, column 13, lines 9-39, column 16, lines 1-63, column 17, line 20-68, and column 33, lines 4-34). Nevertheless, Wyman is not clear on this. However, Johnson is clear on how the first conditions [License 2] and second set of conditions [License 3] is used (See Johnson figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the teachings of Wyman and Johnson to achieve an enhanced control capability managing the licensing mechanism of software products to more than one specific condition of the access rights.

49. As per claim 90, same rejection rationals as the above rejections for claims 70-89 would apply.

50. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768.

52. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

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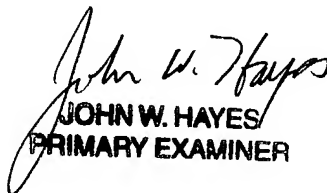
(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive
7th floor receptionist, Arlington, VA, 22202**

**Abdi/K
June 25, 2004**


**JOHN W. HAYES
PRIMARY EXAMINER**